

IN THE MAGISTRATE COURT OF KANAWHA COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA,

v.

Case No. 19-M20M-10172

MICHAEL L. CAPUTO,

Defendant.

**DEFENDANT'S SPECIAL APPEARANCE AND
MOTION TO DISMISS CRIMINAL CHARGES
BASED UPON LEGISLATIVE IMMUNITY**

Defendant Michael L. Caputo makes this special appearance and respectfully moves the Court to dismiss the misdemeanor charge for allegedly violating W.Va.Code §61-2-9(c), based upon legislative immunity, for the following reasons:

1. On or about September 6, 2019, a criminal complaint was filed against Defendant in the Magistrate Court of Kanawha County.
2. Defendant is an elected Delegate from the 50th District and has been a member of the West Virginia Legislature continuously since 1996.
3. In the CRIMINAL COMPLAINT, this alleged crime occurred on March 1, 2019, when the West Virginia Legislature was in session and Defendant was present at the State Capitol carrying out his official duties as a member of the Legislature.

4. According to the CRIMINAL COMPLAINT:

On the above date, the defendant walked toward the steps leading to the main door of the House of Delegates (HOD) Chamber, inside the State Capitol Building, Kanawha County, in Charleston, WV. The defendant was making a commotion, talking loud, and saying nasty things as he started up the steps. The defendant was observed walking up to the door of the chamber and according to witnesses raised his hands, and either pushed, hit, or kicked the door, and stated open the "GD" door and nobody keeps me out. The double door entrance of the chamber had glass windows in each door and would

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CLERK OF COURT
DEC 05 2019
KANAWHA COUNTY
MAGISTRATE COURT